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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,183	07/29/2003	Ronald Marsh	U66.12-0005	7201

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT PAPER NUMBER

3661

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/629,183

Applicant(s)

MARSH, RONALD

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2-13-04, 1-15-04</u> .  | 6) <input checked="" type="checkbox"/> Other: <u>IDS paper 10-17-03</u> .   |

## **DETAILED ACTION**

### ***Claim Objections***

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 32-38 been renumbered 31-37, respectively.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the icons for the location of the portable alert system and emergency event, the amber alert, the photograph, the digital map and weather radar image, the best fit rectangle, and the radius surrounding the location o the weather radio must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. ***Claim Rejections - 35 USC §***

***112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 6 recites the limitation "the weather radio" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4, 6-17, 22-23, 25, 26, 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Curtright, 6314370.

8. Curtright discloses a location data source for identifying a location of the portable alert system that is a GPS on column 2, line 61; an emergency data source for notifying the portable alert system of an emergency event on column 3, lines 14-16; a computer processor to process the location data and emergency data to obtain image data which correlates the location of the portable alert system and the emergency event on column 4, line 30-34; and a display for displaying the image data on lines 17-21, on column 4; the emergency data source comprises a radio system configured to receive specific area message encoding signals from the National Weather Service on lines 30-34, on column 4; the emergency data source comprises a satellite receiver configured to receive digital radar data from a satellite on lines 14-17, on column 3; the processor further processes the location data to automatically program the weather radio to receive only the signal associated with a location in which the portable alert system is located on lines 30-34, on column 4; the image data is a digital map and a radar image on lines 14-17, on column 3; an icon showing a location of the portable alert system on the digital map on lines 54-57, on column 2; an icon showing the location of the emergency event on the digital map on lines 63-67, on column 6; the radio system is further configured to receive non-emergency data until an emergency event data is received on lines 30-34, on column 4; receiving an emergency alert comprises receiving

a weather emergency, and further comprising obtaining weather radar data upon receiving the weather emergency alert on lines 56-67, on column 6; and displaying the location of the portable alert system and information regarding the emergency alert comprises displaying a map on lines 53-56, on column 5.

9. Claims 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Videtich, 2004/0020430.

10. Videtich discloses determining a location of the weather radio based on information from a global positioning receiver; correlating the location of the weather radio with geographic weather radio broadcast information to obtain location code data; and programming the weather radio based on the location code data in paragraphs 4 and 5; determining a location of the weather radio comprises determining a latitude and longitude description of the location of the weather radio in paragraph 17; obtaining location code data comprises comparing the latitude and longitude description of the location of the weather radio to a database of location codes in paragraph 19; determining a best fit rectangle surrounding the location of the weather radio, comparing the best fit rectangle to a database of location codes, and selecting a location code located in the best fit rectangle in paragraph 19.

11. Claims 1, 5, 11, 19, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith, 2002/0067289.

12. Smith discloses a location data source for identifying a location of the portable alert system that is a GPS in paragraph 139; an emergency data source for notifying the portable alert system of an emergency event in paragraph 138; a computer processor to

process the location data and emergency data to obtain image data which correlates the location of the portable alert system and the emergency event in paragraph 138; and a display for displaying the image data(403); the data comprises an AMBER alert and includes a photo in paragraph 20. The system is meant for localized announcements which would include AMBER alerts.

13. Claims 11, 18, 22, 24, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Gueziec, 2003/0171870.

14. Gueziec discloses a location data source for identifying a location of the portable alert system that is a GPS in paragraph 29; an emergency data source for notifying the portable alert system of an emergency event in paragraph 9; a computer processor to process the location data and emergency data to obtain image data which correlates the location of the portable alert system and the emergency event in paragraph 9; and a display for displaying the image data in paragraph 29

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Videtich, 2004/0020430.

17. Videtich discloses the limitations as set forth above. Videtich teaches forming a parallelogram around the location and selecting the location codes inside that shape in

paragraph 19. Videtich does not disclose obtaining a radius surrounding the location of the weather radio; comparing the radius to a database of location codes; and selecting a location code located in the radius. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a radius instead of a parallelogram based on the shape of the display. It is a design choice.

18. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curtright, 6314370, in view of Smith, 2002/0067289.

19. Curtright discloses the limitations as set forth above. Curtright does not disclose obtaining weather radar data comprises obtaining weather radar data from a cellular phone system. Smith teaches obtaining weather radar data comprises obtaining weather radar data from a cellular phone system in paragraph 19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the cellular system of Smith in the invention of Curtright because Smith discloses they are interchangeable in paragraph 26.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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